

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH
FACEBOOK ACCOUNT 100008410452639
STORED AT PREMISES CONTROLLED
BY META PLATFORMS, INC.

Case No. 3:24-mj-3

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Christopher Potts, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application for a search warrant for information associated with a certain Facebook account that is stored at premises owned, maintained, controlled, or operated by Meta Platforms, Inc. (“Meta”), a company headquartered in Menlo Park, California. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Meta to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the account.

2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been so employed since September of 2018. I am currently assigned to a squad that investigates violent crime, narcotics distribution, and crimes against children in Indian country. Before working crimes in Indian country, I spent approximately two years investigating gang-related crime in Chicago, IL. I have experience in investigating violent crimes including kidnapping, robbery, and assaults.

3. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of my knowledge about this matter.

4. Based on my training and experience and the facts as set forth in this affidavit, there is probable cause to believe that violations of Title 21, United States Code, Section 841(a)(1) (Possession with intent to distribute a controlled substance) and Title 21, United States Code, Section 846 (Conspiracy to distribute a controlled substance), have been committed by the user of Facebook accounts **“Brisa Jade Thompson,” with user number 100008410452639**, and others yet unknown. There is also probable cause to search the information described in **Attachment A** for evidence of these crimes and contraband or fruits of these crimes, as described in **Attachment B**.

BACKGROUND

IDENTIFICATION OF BRISA THOMPSON

5. On or about September 24, 2023, I interviewed an individual named BRANDON POPE after his arrest for narcotics and firearms violations. The interview was recorded, and POPE was provided with his Miranda Rights. POPE admitted to dealing methamphetamine and pills and indicated that he went to the “Ghetto” (Old Housing) with an individual who he knew as BRISA or “B.” AGENT NOTE: I spelled the name phonetically as “BRISHIA” in my report, but I believe that the two are the same person. POPE met BRISA when they were in Fargo, ND and she needed a ride back to Devils Lake. He met her through a mutual acquaintance. POPE told me that BRISA thought of herself as a “plug” (drug supplier), but she was just a “dope fiend” that knew a lot of people.

6. On or about November 5, 2023, I interviewed a Source of Information 1 (SO1) while they were in custody on non-federal charges. The interview was recorded. After being Mirandized, SO1 indicated that BRANDON POPE was distributing a majority of the narcotics in the area. According to SO1, POPE was delivering narcotics to BRISA THOMPSON and other individuals on the reservation.

7. On or about November 7, 2023, I interviewed THOMPSON while she was in custody on non-federal charges. I recorded the interview and provided THOMPSON with her Miranda Rights. I told THOMPSON that I had received information that a subject of another criminal investigation had expressed an interest in harming her on a social media platform. I told THOMPSON that the individual, who I knew to be SCOTT ROBERTS, had accused THOMPSON of stealing a backpack from him. I explained that to THOMPSON and told her that she probably knew what I was talking about. THOMPSON laughed and said “yeah.” THOMPSON noted she was familiar with the incident but was not concerned for her safety. She knew that the individual’s name was “ROBERTS” and that she met him at a little “jenky-ass place.” She acknowledged that she was a narcotics user. THOMPSON acknowledged that she took ROBERTS’s bag and that it contained Fentanyl powder. She did not know how much powder was in the bag. THOMPSON denied travelling to Fargo to purchase drugs. She used drugs but did not buy them.

8. I reviewed Facebook Search Warrant returns for an individual using the vanity name “Scotty Boretrs,” which I believe to be ROBERTS. There are multiple communications between ROBERTS and an account belonging to an individual with the vanity name “Brisa Jade Thompson” and Facebook number “100008410452639.” I have reviewed law enforcement databases which indicate that THOMPSON’s full name is Brisa Jade Thompson. I believe that the account belongs to her. On or about December 12, 2022, THOMPSON tells ROBERTS that she

had just been released from jail and told him “Get me right later on I’m b in Fargo wit dollars.” ROBERTS tells her “I got ya.” As the conversation continued, THOMPSON indicated that she was having trouble getting to Fargo from the Devils Lake area. On or about December 17, 2022, THOMPSON tells ROBERTS “What’s da move,” “Lmk a plot,” and “Thirsty for a come up.” Later in the conversation, on or about December 18, 2022 at approximately 0238 UTC, ROBERTS tells THOMPSON that “Got some cetty,” to which she replied “I’m eating out rn ima slide after.” I believe that ROBERTS was referring to “Fetty” or Fentanyl and that THOMPSON was going to meet with him after she ate. On or about December 19, 2022, THOMPSON tells ROBERTS “Idk what u doin a p,” and “10,” and “Say yes lol.” ROBERTS responds with “15,” which I believe means \$15 per pill. THOMPSON tells him that she has 30 and asks if ROBERTS can bring them to her. On or about December 21, 2022, at 0002 UTC ROBERTS tells THOMPSON “I need some fet,” and THOMPSON asks if “Frankie got any?” ROBERTS tells THOMPSON that he is coming over and THOMPSON tells him to “Buzz 206 when here phone might die n my charger is in the whip.” THOMPSON tells him to “Bring it in plz if the doors r open.”

9. On or about November 27, 2023, I interviewed a Source of Information 2 (SO2) while they were in custody on non-federal charges. The interview was recorded. SO2 told me that they were getting drugs from Fargo, ND and was purchasing from an individual they knew to be “Scotty Roberts.” They were not sure if that was his real name. During the conversation, SO2 acknowledged that they knew THOMPSON and indicated that she dealt blues. SO2 had purchased blues from THOMPSON on a few occasions. SO2 paid \$40 per half pill. THOMPSON and SO2 knew each other but were not close. THOMPSON stayed with SO2 and knew WILLIAM CAVANAUGH JR. SO2 also indicated that THOMPSON was riding around with an individual

named POPE. SO2 indicated that they also purchased narcotics from POPE and observed him with firearms.

10. On or about December 2, 2023, I interviewed an individual named WILLIAM CAVANAUGH JR. (CAVANAUGH) following his arrest on federal narcotics charges. After being provided with his Miranda Rights, CAVANAUGH told me that he was familiar with THOMPSON and indicated that she was dealing blues. THOMPSON was transporting the drugs from Fargo, ND. THOMPSON was getting the drugs from black males in the area, but she was also getting the pills from an individual named JOE MARTELL.

11. I reviewed Facebook Search Warrant returns that show communications between CAVANAUGH and THOMPSON. The communications, which begin on or about October 3, 2023, show an exchange between an account belonging to vanity name “Brisa Jade Thompson,” with user number 100008410452639, and an account belonging to vanity name “William Cavanaugh Jr.” with user number 100083169094355. I believe the accounts belong to CAVANAUGH and THOMPSON. The communications show THOMPSON providing directions to an apartment. CAVANAUGH and THOMPSON appear to be trying to establish a meeting place. Later that evening THOMPSON tells CAVANAUGH “Takee to score” and “Plzzzz” to which CAVANAUGH responds “Ya comingnow” and “Outside but don’t tell them Montes wit us.” Additionally, THOMPSON tells CAVANAUGH that “Martell hit [her] up,” which is consistent with the information provided by CAVANAUGH during his custodial interview.

BACKGROUND CONCERNING FACEBOOK¹

12. Meta owns and operates Facebook, a free-access social networking website that can be accessed at <http://www.facebook.com>. Facebook users can use their accounts to share communications, news, photographs, videos, and other information with other Facebook users, and sometimes with the public.

13. Meta asks Facebook users to provide basic contact and personal identifying information either during the registration process or thereafter. This information may include the user's full name, birth date, gender, e-mail addresses, physical address (including city, state, and zip code), telephone numbers, screen names, websites, and other personal identifiers. Each Facebook user is assigned a user identification number and can choose a username.

14. Facebook users may join one or more groups or networks to connect and interact with other users who are members of the same group or network. Facebook assigns a group identification number to each group. A Facebook user can also connect directly with individual Facebook users by sending each user a "Friend Request." If the recipient of a "Friend Request" accepts the request, then the two users will become "Friends" for purposes of Facebook and can exchange communications or view information about each other. Each Facebook user's account includes a list of that user's "Friends" and a "News Feed," which highlights information about the user's "Friends," such as profile changes, upcoming events, and birthdays.

¹ The information in this section is based on information published by Meta on its Facebook website, including, but not limited to, the following webpages: "Privacy Policy," available at <https://www.facebook.com/privacy/policy>; "Terms of Service," available at <https://www.facebook.com/legal/terms>; "Help Center," available at <https://www.facebook.com/help>; and "Information for Law Enforcement Authorities," available at <https://www.facebook.com/safety/groups/law/guidelines/>.

15. Facebook users can select different levels of privacy for the communications and information associated with their Facebook accounts. By adjusting these privacy settings, a Facebook user can make information available only to himself or herself, to particular Facebook users, or to anyone with access to the Internet, including people who are not Facebook users. A Facebook user can also create “lists” of Facebook friends to facilitate the application of these privacy settings. Facebook accounts also include other account settings that users can adjust to control, for example, the types of notifications they receive from Facebook.

16. Facebook users can create profiles that include photographs, lists of personal interests, and other information. Facebook users can also post “status” updates about their whereabouts and actions, as well as links to videos, photographs, articles, and other items available elsewhere on the Internet. Facebook users can also post information about upcoming “events,” such as social occasions, by listing the event’s time, location, host, and guest list. In addition, Facebook users can “check in” to particular locations or add their geographic locations to their Facebook posts, thereby revealing their geographic locations at particular dates and times. A particular user’s profile page also includes a “Wall,” which is a space where the user and his or her “Friends” can post messages, attachments, and links that will typically be visible to anyone who can view the user’s profile.

17. Facebook users can upload photos and videos to be posted on their Wall, included in chats, or for other purposes. Users can “tag” other users in a photo or video and can be tagged by others. When a user is tagged in a photo or video, he or she generally receives a notification of the tag and a link to see the photo or video.

18. Facebook users can use Facebook Messenger to communicate with other users via text, voice, video. Meta retains instant messages and certain other shared Messenger content

unless deleted by the user, and retains transactional records related to voice and video chats.

Facebook users can also post comments on the Facebook profiles of other users or on their own profiles; such comments are typically associated with a specific posting or item on the profile.

19. If a Facebook user does not want to interact with another user on Facebook, the first user can “block” the second user from seeing his or her account.

20. Facebook has a “like” feature that allows users to give positive feedback or connect to particular pages. Facebook users can “like” Facebook posts or updates, as well as webpages or content on third-party (*i.e.*, non-Facebook) websites. Facebook users can also become “fans” of particular Facebook pages.

21. Facebook has a search function that enables its users to search Facebook for keywords, usernames, or pages, among other things.

22. Each Facebook account has an activity log, which is a list of the user’s posts and other Facebook activities from the inception of the account to the present. The activity log includes stories and photos that the user has been tagged in, as well as connections made through the account, such as “liking” a Facebook page or adding someone as a friend. The activity log is visible to the user but cannot be viewed by people who visit the user’s Facebook page.

23. Facebook also has a Marketplace feature, which allows users to post free classified ads. Users can post items for sale, housing, jobs, and other items on the Marketplace.

24. In addition to the applications described above, Meta provides users with access to thousands of other applications (“apps”) on the Facebook platform. When a Facebook user accesses or uses one of these applications, an update about that the user’s access or use of that application may appear on the user’s profile page.

25. Meta also retains records of which IP addresses were used by an account to log into or out of Facebook, as well as IP address used to take certain actions on the platform. For example, when a user uploads a photo, the user's IP address is retained by Meta along with a timestamp.

26. Meta retains location information associated with Facebook users under some circumstances, such as if a user enables "Location History," "checks-in" to an event, or tags a post with a location.

27. Social networking providers like Meta typically retain additional information about their users' accounts, such as information about the length of service (including start date), the types of service utilized, and the means and source of any payments associated with the service (including any credit card or bank account number). In some cases, Facebook users may communicate directly with Meta about issues relating to their accounts, such as technical problems, billing inquiries, or complaints from other users. Social networking providers like Meta typically retain records about such communications, including records of contacts between the user and the provider's support services, as well as records of any actions taken by the provider or user as a result of the communications.

28. As explained herein, information stored in connection with a Facebook account may provide crucial evidence of the "who, what, why, when, where, and how" of the criminal conduct under investigation, thus enabling the United States to establish and prove each element or alternatively, to exclude the innocent from further suspicion.

29. In my training and experience, a Facebook user's IP log, stored electronic communications, and other data retained by Meta, can indicate who has used or controlled the Facebook account. This "user attribution" evidence is analogous to the search for "indicia of

occupancy” while executing a search warrant at a residence. For example, profile contact information, private messaging logs, status updates, and tagged photos (and the data associated with the foregoing, such as date and time) may be evidence of who used or controlled the Facebook account at a relevant time. Further, Facebook account activity can show how and when the account was accessed or used. For example, as described herein, Meta logs the Internet Protocol (IP) addresses from which users access their accounts along with the time and date. By determining the physical location associated with the logged IP addresses, investigators can understand the chronological and geographic context of the account access and use relating to the crime under investigation. Such information allows investigators to understand the geographic and chronological context of Facebook access, use, and events relating to the crime under investigation. Additionally, location information retained by Meta may tend to either inculcate or exculpate the Facebook account owner. Last, Facebook account activity may provide relevant insight into the Facebook account owner’s state of mind as it relates to the offense under investigation. For example, information on the Facebook account may indicate the owner’s motive and intent to commit a crime (e.g., information indicating a plan to commit a crime), or consciousness of guilt (e.g., deleting account information in an effort to conceal evidence from law enforcement).

30. Therefore, the servers of Meta are likely to contain all the material described above, including stored electronic communications and information concerning subscribers and their use of Facebook, such as account access information, transaction information, and other account information.

INFORMATION TO BE SEARCHED AND THINGS TO BE SEIZED

31. I anticipate executing this warrant under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A), by using the warrant to require Meta to disclose to the government copies of the records and other information (including the content of communications) particularly described in Section I of Attachment B. Upon receipt of the information described in Section I of Attachment B, government-authorized persons will review that information to locate the items described in Section II of Attachment B.

REQUEST FOR SEALING

32. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until September 1, 2024. These documents discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

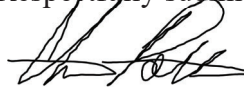
CONCLUSION

33. Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant. The government will execute this warrant by serving it on Meta. Because the warrant will be served on Meta, who will then compile the requested records at a time convenient to it, reasonable cause exists to permit the execution of the requested warrant at any time in the day or night.

34. This Court has jurisdiction to issue the requested warrant because it is “a court of competent jurisdiction” as defined by 18 U.S.C. § 2711. 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Specifically, the Court is a district court of the United States that has jurisdiction over the offense being investigated.

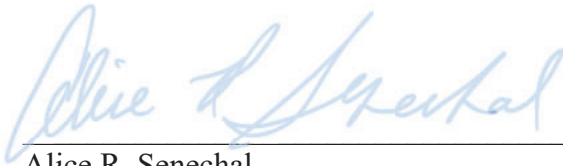
35. Based on the foregoing, I request that the Court issue the proposed search warrant.

Respectfully submitted,



Christopher Potts
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me via telephone on January 3, 2024.



Alice R. Senechal
UNITED STATES MAGISTRATE JUDGE